

**SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No. 000776
PAUL R. CONNAGHAN, ESQ.
Nevada Bar No. 003229
DEANER, DEANER, SCANN,
MALAN & LARSEN
720 South Fourth Street, Suite #300
Las Vegas, Nevada 89101
(702) 382-6911
Attorneys for Binford Medical Developers, LLC**

E-Filed On 12/14/06

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:)	
USA COMMERCIAL MORTGAGE COMPANY,)	
)	
Debtor)	
In re:)	
USA CAPITAL REALTY ADVISORS, LLC.)	
)	
Debtor)	
In re:)	
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC.)	
)	
Debtor)	
In re:)	
USA CAPITAL FIRST TRUST DEED FUND, LLC.)	
)	
Debtor)	
In re:)	
USA SECURITIES, LLC.)	
)	
Debtor)	
)	

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11
 Jointly Administered Under
 Case No. BK-S-06-10725 LBR

Date of Hearing: **12/15/06**
 Time of Hearing: **9:30a.m.**

CERTIFICATE OF MAILING

Affects:

USA Commercial Mortgage C
 USA Capital Diversified Trust
 USA Capital First Trust Deed D
 USA Securities, LLC
 USA Realty Advisors, LLC
 All Debtors

Affects:

- USA Commercial Mortgage Company
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC
- USA Realty Advisors, LLC
- All Debtors

I hereby certify that service of the REPLY IN FAVOR OF AND OPPOSITION TO

1 USA COMMERCIAL MORTGAGE COMPANY'S OBJECTION TO MOTION TO
2 TEMPORARILY ALLOW CLAIM OF BINFORD MEDICAL DEVELOPERS LLC. was
3 made this 14th day of December, 2006, by depositing a copy of the same in the United States mail in
4 Las Vegas, Nevada, postage-prepaid, addressed to the following:

5

6 **DEBTOR AND COUNSEL**

7 Annette W. Jarvis
8 Ray Quinney & Nebeker P.c.
9 36 South State Street, Suite 1400
10 P.o. Box 45385
11 Salt Lake City, Utah 84145-0385

12 Lenard E. Schwartzer
13 Jeanette E. Mcpherson
14 Schwartzer & Mcpherson Law Firm
15 2850 South Jones Boulevard, Suite 1
16 Las Vegas, Nevada 89146-5308

17 USA Commercial Mortgage
18 USA Capital Realty Advisors, LLC
19 USA Capital Diversified Trust Deed Fund, LLC
20 USA Capital First Trust Deed Fund, LLC
21 USA Securities, LLC
22 Thomas J. Allison
23 4484 South Pecos Road
24 Las Vegas, NV 89121

25 Office of the U.S. Trustee
26 600 Las Vegas Blvd., South,
27 Ste. 4300
Las Vegas, NV 89101

28 **USA CAPITAL REALTY ADVISORS, LLC - UNSECURED CREDITORS**

29 KUMMER, KAEMPFER, BONNER & RENSHAW
30 3800 HOWARD HUGHES PKWY., 7Th FLOOR
31 LAS VEGAS, NV 89109

32 INTERSHOW
33 THE GITHLER CENTER
34 1258 NORTH PALM AVE.
35 SARASOTA, FL 34236

36 **USA SECURITIES, LLC - UNSECURED CREDITORS**

37 JAMES HULL
38 C/O SIGNATURE FINANCIAL
39 2601 AIRPORT DRIVE
40 TORRANCE, CA 90505

1 GEORGE GORMAN
2 C/O FINANCIAL WEST GROUP
3 4510 E. THOUSAND OAKS BLVD.
THOUSAND OAKS, CA 91362

4 R. HAGMAIER
5 C/O FINANCIAL WEST GROUP
6 4510 E. THOUSAND OAKS BLVD.
7 THOUSAND OAKS, CA 91362

8 TIM RICH
9 C/O FINANCIAL WEST GROUP
10 4510 E. THOUSAND OAKS BLVD.
11 THOUSAND OAKS, CA 91362

UNSECURED CREDITORS COMMITTEE FOR USA COMMERCIAL MORTGAGE COMPANY

10 Bunch Bell
11 1909 Red Robin Court
Las Vegas, NV 89134

12 Advanced Information Systems
13 c/o Michael T. Yoder
4270 Cameron Street, Suite #1
Las Vegas, NV 89103

14 C/O Donald R. Walker
15 9209 Eagle Hills Drive
Las Vegas, NV 89134-6109

16 Russell AD Development Group, LLC
17 P. O. Box 28216
Scottsdale, AZ 85255

18 Robert A. Russell
19 8585 East Hartford Drive
Suite 500
20 Scottsdale, AZ 85255

21 Annee Nounna
22 8057 Lands End Court
Las Vegas, NV 89117-7635

23 Robert L. Hagmaier
15254 Candlewood Court
Lake Oswego, OR 97035

24 [PROPOSED] COUNSEL FOR THE FOLLOWING TWO INVESTOR COMMITTEES: Equity
25 Security Holders of USA Capital First Trust Deed Fund, LLC and Equity Security Holders of
26 USA Capital Diversified Trust Deed Fund;

1 Jeffrey H. Davidson
2 Frank A. Merola
3 Eve H. Karaski
4 Stutman, Treister & Glatt, P.C.
5 1901 Avenue of the Stars, 12th Floor
6 Los Angeles, CA 90067

7
8 James Patrick Shea
9 Candace C. Carlyon
10 Shea & Carlyon, LTD.
11 233 S. Fourth Street, 2nd Floor
12 Las Vegas, NV 89101

13
**COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED
FUND, LLC.**

14 Robert E. Taylor
15 1535 Flynn Road
16 Camarillo, CA 93012

17 John Warner Jr., IRA
18 C/O First Savings Bank
19 2605 East Flamingo Road
20 Las Vegas, NV 89121

21 C/O Chuck Heinrichs
22 198 E. Pajaro
23 Newbury Park, CA 91320

24 John H. Warner, Jr.
25 2048 North Chettro Trail
26 St. George, UT 84770

27 Mary E. and Matthew J. Moro, JTWROS
28 1009 8th Street
Manhattan Beach, CA 90266

Richard G. Woudstra Revocable Trust
Richard G. Woudstra, TTWW
P. O. Box 530025
Henderson, NV 89053

Wen Baldwin Separate Property Trust
365 Dooley Drive
Henderson, NV 89015

Jerry T. McGimsey
3115 South El Camino Rd.
Las Vegas, NV 89146

Richard Horowitz
5 Fir Drive
Kingspoint, NY 11024

1 **COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST**
2 **DEED FUND, LLC.**

3 Robert G. Worthen
4 1112 Worthen Circle
5 Las Vegas, NV 89145

6 Katz 2000 Separate Property Trust
7 Sara M. Katz, Managing Trustee
8 4250 Executive Square, #670
9 San Diego, CA 92037

10 Thomas C. Lawyer Family Trust
11 45 Ventana Canyon Drive
12 Las Vegas, NV 89113

13 Marjan Rutar
14 4043 Chalfont Court
15 Las Vegas, NV 89121

16 Charles O. Nichols and Flora A. Nicols
17 2561 Seaside Drive
18 Las Vegas, NV 89128

19 Robert H. Mansfield
20 3611 Victory Avenue
21 Las Vegas, NV 89121

22 **COMMITTEE OF HOLDERS OF EXECUTORY CONTRACT RIGHTS THROUGH USA**
23 **COMMERCIAL MORTGAGE COMPANY**

24 Fertita Enterprises, Inc.
25 2960 W. Sahara Ave., Suite 200
26 Las Vegas, NV 89102

27 Helms Homes, LLC
28 C/O Terry Helms
29 809 Upland Blvd.,
30 Las Vegas, NV 89107

31 William J. Bullard
32 Fertita Enterprises, Inc.
33 P. O. Box 27555
34 Las Vegas, NV 89126

35 Terry Helms Living Trust
36 809 Upland Blvd.
37 Las Vegas, NV 89107

38 Dennis Flier, Inc. Defined Benefit Trust
39 20155 Porto Vita Way #1803
40 Aventura, FL 33180

DEANER, DEANER, SCANN, MALAN & LARSEN

720 South Fourth Street, Suite 300

Las Vegas, Nevada 89101

Telephone (702) 382-6911•Facsimile (702) 366-0854

1 Arthur Polacheck and Glorianne Polacheck
2 2056 Wooklake Circle
2 Deerfield Beach, FL 33442

3 James W. McCollum and Pamela P. McCollum
1011 F. Avenue
4 Coronado, CA 92118

5 Homfeld II, LLC
777 South Federal Highway
6 Suite -409
7 Pompano Beach, FL 33062

8 C/O Edward W. Homfeld
9 858 Bishop Road
Grosse Pointe Park, MI 48230

10 Nevada Mortgage Lending Division
Attn: Susan Eckhardt
11 3075 East Flamingo #100
Las Vegas, NV 89121

12 U. S. Securities and Exchange Commission
Attn: Sandra W. Lavigna
13 5670 Wilshire Blvd., 11th Floor
Los Angeles, CA 90036-3648

14 Pension Benefit Guaranty Corporation
15 Office of the Chief Counsel
16 1200 K. Street Street, N.W.
Washington, D.C. 20005-4026

17 Department of Employment Training
Employment Sec. Div., Contributions
18 500 East Third Street
Carson City, NV 89713-0030

19 DMV and Public Safety Records Section
20 555 Wright Way
Carson City, NV 89711-0250

21 Employers Insurance Co. Of NV
22 Attn: Bankruptcy Desk
9790 Gateway Drive
23 Reno, NV 89521-5906

24 NV Dept. of Taxation
Bankruptcy Division
25 555 East Washington, #1300
Las Vegas, NV 89101

26 Internal Revenue Service
27 Attn: Bankruptcy dept.
Stop 5028 110 City Parkway
28 Las Vegas, NV 89106

DEANER, DEANER, SCANN, MALAN & LARSEN

720 South Fourth Street, Suite 300

Las Vegas, Nevada 89101

Telephone (702) 382-6911•Facsimile (702) 366-0854

1 Secretary of State
 2 State of Nevada
 2 202 North Carson Street
 2 Carson City, NV 89701
 3
 4 NV Department of Taxation
 4 Revenue Division
 4 Capitol Complex
 5 Carson City, NV 89701-0003
 6
 7 Office of Labor Commissioner
 7 555 East Washington Ave., Suite 4100
 7 Las Vegas, NV 89101
 8
 9 U. S. Attorney
 9 District of Nevada
 9 323 Las Vegas Blvd., So., #5000
 9 Las Vegas, NV 89101
 10
 11 United States Dept. of Justice
 11 Tax-Division-Western Region
 11 P. O. Box 683-Ben Franklin Station
 12 Washington, D.C. 20044
 13
 14 District Counsel
 14 Internal Revenue Service
 14 110 City Parkway
 14 Las Vegas, NV 89106
 15
 16 Internal Revenue Service
 16 Ogden, UT 84201
 17
 18 FHA/HUD
 18 300 Las Vegas Blvd., #2900
 18 Las Vegas, NV 89101
 19
 20 Dept. of Veterans Affairs
 20 Loan Service and Claims
 20 3225 North Central
 20 Phoenix, AZ 85012
 21
 22 Clark County Treasurer
 22 C/O Bankruptcy Clerk
 22 P. O. Box 551220
 23 Las Vegas, NV 89155-1220
 24
 25 Clark County Assessor
 25 C/O Bankruptcy Clerk
 25 P. O. Box 551401
 26 Las Vegas, NV 89155-1401
 26
 27 Don Tomlin
 27 C.O David W. Mounier
 27 15316 Sky High Road
 28 Escondido, CA 92055

1 Maryetta Bowman
 2 534 Enchanted Lakes Drive
 2 Henderson, NV 89052
 3 Edward W. Homfeld
 4 Homfeld II LLC
 4 777 South Federal Highway, Suite -409
 5 Pompano Beach, FL 33062
 5 Richard McKnight, ESQ.
 6 Law Offices of Richard McKnight
 6 330 S. Third Street, #900
 7 Las Vegas, NV 89101
 8 RJ Rocco
 9 12617 Cottageville Lane
 9 Keller, TX 76248
 10 Margie Gandolfo
 11 1724 Arrow Wood Drive
 11 Reno, NV 89521
 12 Janny Catharina Brouwer
 13 2533 Kinnard Avenue
 13 Henderson, NV 89074
 14 Robert R. Kinias, ESQ.
 15 Jennifer L. McBee
 15 Snell & Wilmer, LLP
 16 3800 Howard Hughes Pkwy., #1000
 16 Las Vegas, NV 89109
 17 Michael R. Shuler
 18 C/O Jay R. Eaton
 18 Eaton & O'leary, PLLC
 19 115 Grove Avenue
 19 Phoenix, AZ 86301
 20 Janet L. Chubb, ESQ.Jones Vargas
 21 100 West Liberty Street, 12th Floor
 21 P. O. Box 281
 21 Reno, NV 89504-0281
 22 Martin B. Weiss, ESQ.
 23 The Garrett Group, LLC
 23 One Better World Circle, Suite 300
 24 Temecula, CA 92590
 25 Attila Jefzenszky
 26 1720 Colavita Way
 26 Reno, NV 89521
 27
 28

1 Vince Danelian
 2 C/O Edward J. Hanigan, ESQ.
 3 199 N. Arroyo Grande Blvd., #200
 Henderson, NV 89074

4
 5 William L. McGimsey, ESQ.
 6 601 East Charleston Blvd.
 Las Vegas, NV 89104

7
 8 Paul & Donna Jacques
 9 810 SE 7th Street, A103
 Deerfield Beach, FL 33441

10
 11 Peter Bolino
 12 17412 Serene Drive
 Morgan Hill, CA 95037

13 Sean Najarian, ESQ.
 14 The Najarian Law Firm
 15 283 S. Lake Avenue, Suite 205
 Pasadena, CA 91101

16 Scott D. Fleming
 17 Hale Lane Peek Dennison and Howard
 18 3930 Howard Hughes Parkway, 4th Floor
 Las Vegas, NV 89109

19 Nile Leatham
 20 James B. Mac Robbie
 21 Kolesar & Leatham, CHTD
 22 3320 W. Sahara Ave., Ste., 380
 Las Vegas, NV 89102

23 Laurel E. Davis
 24 Lionel Sawyer & Collins
 25 1700 Bank of America Plaza
 26 300 S. Fourth Street
 Las Vegas, NV 89101

27 Gilbert B. Weisman
 Becket and Lee LLP
 P. O. Box 3001
 Malvern, PA 19355-0701

28 Caryn S. Tijsseling
 Beesley, Peck & Matteoni, LTD
 5011 Meadowood Mall Way, #300
 Reno, NV 89502

Nicholas J. Santoro
 400 S. Fourth Street, 3rd Floor
 Las Vegas, NV 89101

1 Jed A. Hart
2 Angelo, Gordon & Co.
245 Park Avenue, 26th Floor
New York, NY 10167

3 Bradley J. Stevens
4 Robbins & Green, P.A.
3300 North Central Avenue, Suite 1800
5 Phoenix, AZ 85012

6 CiCi Cunningham, ESQ.
James A. Kohl, ESQ.
7 Christine Roberts, ESQ.
Rawlings, Olson, Cannon, Gormley & Desruisseaux
8 9950 W. Cheyenne Avenue
Las Vegas, NV 89129

9 Gerald M. Gordon, ESQ.
10 Thomas H. Fell, ESQ.
Gordon & Silver, LTD.
11 3960 Howard Hughes Parkway, 9th Floor
Las Vegas, NV 89109

12 Franklin C. Adams
13 Best Best & Krieger, LLP
3750 University Ave.
14 P. O. Box 1028
Riverside, CA 92502-1028

15 Jeffrey G. Sloane, ESQ.
Regina M. McConnell, ESQ
16 Kravitz, Schnitzer, Sloane, Johnson & Eberhardy, CHTD.
17 1389 Galleria Drive., Ste, 200
Henderson, NV 89014

18 Kevin B. Christensen
19 Xanna R. Hardman
7440 W. Sahara Ave.
20 Las Vegas, NV 89117

21 Richard Mason
Patricia K. Smoots
22 Michael M. Schmahl
McGuire Woods, LLP
23 77 West Wacker Drive., Ste., 4100
Chicago, IL 60601

24 Donald T. Polednak, ESQ.
25 7371 Prairie Falcon, Ste., 120
Las Vegas, NV 89128

26

27

28

1 Peter Susi
2 Jay L. Michaelson
Michaelson, Susi & Michaelson
3 Seven West Gigueroa St., 2nd Floor
Santa Barbara, CA 93101-3191

4
5 Joan C. Wright
Allison, Mackenzie, Russell, Pavlakis, Wright & Fagan, LTD.
6 402 North Division Street
P. O. Box 646
Carson City, NV 89702

7 Bay Communities
8 C.O Chris el
9 4800 No. Federal Highway, Suite A205
Boca Raton, FL 33431

10 Ervent T. Nelson
11 Bolick & Boyer
6060 W. Elton Avenue, Ste., A
Las Vegas, NV 89107

12 Matthew Q. Callister
13 Callister & Reynolds
823 Las Vegas Boulevard South
14 Las Vegas, NV 89101

15 Andrew Welcher
C/O Nordman Company Hair & Compton LLP
16 Attn: William E. Winfield, ESQ.
1000 Town Center Drive, 6th Floor
17 Oxnard, CA 93031

18 Robert Verchota, General Partner
R & N Real Estate Investments, LP
19 C/O Jeffrey A. Cogan
3990 Vegas Drive
20 Las Vegas, NV 89108

21 Law Offices of James G. Schwartz
Joshua D. Brysk, ESQ.
22 7901 Stoneridge Drive, Suite 401
Pleasanton, CA 94588

23 Scott K. Canepa
24 Canepa, Reidy & Rubing
851 S. Rampart Blvd., #160
25 Las Vegas, NV 89145

26 John F. Murtha
Woodburn & Wedge
27 Sierra Plaza 6100 Neil Road, Ste., 500
P. O. Box 2311
28 Reno, NV 89505

1 Thomas W. Stilley
2 Sussman Shank LLP
3 1000 SW Broadway, Ste., 1400
Portland, OR 97205-3089

4 SYLVESTER & POLEDNAK, LTD.
Jeffrey R. Sylvester, ESQ.
5 7371 Prairie Falcon, #120
Las Vegas, NV 89128

6
7
8 Employee of DEANER, DEANER, SCANN,
9 MALAN & LARSEN
10
11
12
13
14
15
16 F:\OFFICE\CLIENTS\Binford Medical Developers, LLC\DOCS\COM Reply toOpp.wpd
17
18
19
20
21
22
23
24
25
26
27
28

DEANER, DEANER, SCANN, MALAN & LARSEN
720 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
Telephone (702) 382-6911-Faxsimile (702) 366-0854